

# HB5874



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

**HB5874**

Introduced 2/10/2010, by Rep. Robert F. Flider

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/12-813.1  
625 ILCS 5/12-816

Amends the Illinois Vehicle Code. Provides that a school bus must contain an operating two-way radio or cellular radio telecommunication device (rather than a two-way radio only) while the school bus driver is in possession of a school bus. Effective immediately.

LRB096 19247 AJT 34638 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Sections 12-813.1 and 12-816 as follows:

6 (625 ILCS 5/12-813.1)

7 Sec. 12-813.1. School bus driver communication devices.

8 (a) In this Section:

9 "School bus driver" means a person operating a school bus  
10 who has a valid school bus driver permit as required under  
11 Sections 6-104 and 6-106.1 of this Code.

12 "Cellular radio telecommunication device" means a device  
13 capable of sending or receiving telephone communications  
14 without an access line for service and which requires the  
15 operator to dial numbers manually. It does not, however,  
16 include citizens band radios or citizens band radio hybrids.

17 "Possession of a school bus" means the period of time from  
18 which a bus driver takes possession until the school bus driver  
19 returns possession of the school bus, whether or not the school  
20 bus driver is operating the school bus.

21 "Using a cellular radio telecommunication device" means  
22 talking or listening to or dialing a cellular radio  
23 telecommunication device.

1 To "operate" means to have the vehicle in motion while it  
2 contains one or more passengers.

3 (b) A school bus driver may not operate a school bus while  
4 using a cellular radio telecommunication device.

5 (c) Subsection (b) of this Section does not apply:

6 (1) To the use of a cellular radio telecommunication  
7 device for the purpose of communicating with any of the  
8 following regarding an emergency situation:

9 (A) an emergency response operator;

10 (B) a hospital;

11 (C) a physician's office or health clinic;

12 (D) an ambulance service;

13 (E) a fire department, fire district, or fire  
14 company; or

15 (F) a police department.

16 (2) To the use of a cellular radio telecommunication  
17 device to call for assistance in the event that there is a  
18 mechanical breakdown or other mechanical problem that  
19 impairs the safe operation of the bus.

20 (3) To the use of a cellular radio telecommunication  
21 device that has a digital two-way radio service capability  
22 owned and operated by the school district, when that device  
23 is being used as a digital two-way radio.

24 (4) When the school bus is parked.

25 (d) A school bus driver who violates subsection (b) of this  
26 Section is guilty of a petty offense punishable by a fine of

1 not less than \$100 and not more than \$250.

2 (e) A school bus must contain an operating two-way radio or  
3 celluar radio telecommunication device while the school bus  
4 driver is in possession of a school bus. The two-way radio or  
5 celluar radio telecommunication device in this subsection must  
6 be turned on and adjusted in a manner that would alert the  
7 school bus driver of an incoming communication request.

8 (Source: P.A. 96-818, eff. 11-17-09.)

9 (625 ILCS 5/12-816)

10 Sec. 12-816. Pre and post-trip inspection policy for school  
11 buses.

12 (a) In order to provide for the welfare and safety of  
13 children who are transported on school buses throughout the  
14 State of Illinois, each school district shall have in place, by  
15 January 1, 2008, a policy to ensure that the school bus driver  
16 is the last person leaving the bus and that no passenger is  
17 left behind or remains on the vehicle at the end of a route, a  
18 work shift, or the work day. This policy and procedure shall,  
19 at a minimum, require the school bus driver (i) to test the  
20 two-way radio or celluar radio telecommunication device and  
21 ensure that it is functioning properly before the bus is  
22 operated and (ii) before leaving the bus at the end of each  
23 route, work shift, or work day, to walk to the rear of the bus  
24 and check the bus for children or other passengers in the bus.

25 (b) If a school district has a contract with a private

1 sector school bus company for the transportation of the  
2 district's students, the school district shall require in the  
3 contract with the private sector company that the company have  
4 a post-trip inspection policy in place. This policy and  
5 procedure shall, at a minimum, require the school bus driver  
6 (i) to test the two-way radio or cellular radio  
7 telecommunication device and ensure that it is functioning  
8 properly before the bus is operated and (ii) before leaving the  
9 bus at the end of each route, work shift, or work day, to walk  
10 to the rear of the bus and check the bus for children or other  
11 passengers in the bus.

12 (c) Before this inspection, the school bus driver shall  
13 activate the interior lights of the bus to assist the driver in  
14 seeing in and under the seats during a visual sweep of the bus.

15 (d) This policy may include, at the discretion of the  
16 school district, the installation of a mechanical or electronic  
17 post-trip inspection reminder system which requires the school  
18 bus driver to walk to the rear of the bus to deactivate the  
19 system before the driver leaves the bus. The system shall  
20 require that when the driver turns off the vehicle's ignition  
21 system, the vehicle's interior lights must illuminate to assist  
22 the driver in seeing in and under the seats during a visual  
23 sweep of the bus.

24 (Source: P.A. 95-260, eff. 8-17-07; 96-818, eff. 11-17-09.)

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.